

~~ORIGINAL~~

United States District Court

Southern

DISTRICT OF

New York

John E. Andrus Memorial, Inc. (d/b/a Andrus on Hudson)

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

Richard F. Daines, as Commissioner of the New York State Department of Health

**07 CV 3432
JUDGE BRIEANT**

TO: (Name and address of defendant)

Richard F. Daines, Commissioner of the New York State Department of Health
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, New York 12237

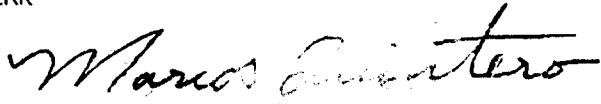
YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, New York 10281

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK



(BY) DEPUTY CLERK

APR 30 2007

DATE

United States District Court
Southern District of New York

Affidavit of
Service

John E. Andrus Memorial, Inc.
(d/b/a Andrus On Hudson)

Plaintiff(s)

vs

Richard F. Daines, as Commissioner of the New
York State Department of Health

Index # : 07cv3432

Defendant(s)

State of New York
County of Albany ss.

Guy A. Rider, being duly sworn, deposes and says that he is over the age of eighteen (18) years, is not a party in this action and resides in the State of New York; That on the 07th day of May, 2007 he served the:

Summons In A Civil Case, Complaint, Individual Practices of Judge Charles I. Brieant & Individual Practices of Magistrate Judge Mark D. Fox
ON

Richard F. Daines, as Commissioner of the New York State Department of Health

by delivering to and leaving, a copy, with Joseph C. Bierman, Principal Attorney, Department of Health, Empire State Plaza, Albany, NY

Deponent further says that the person so served in the office of the Department of Health stated that he was authorized to accept service on behalf of the named defendant.

A description of Joseph C. Bierman is as follows: Male, White Skin, Grey Hair, approximately 60 years of age, 5 feet 10 inches tall and approximately 170 pounds.



Sworn to before me this
7th day of May, 2007



Glenn C. Relyea
Notary Public of New York, Qualified in Saratoga County
My Commission Expires 04/06/2008 #02RE4994514